

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CLAUDIA A. MONTELIONE,	:	
	:	Case No. 4:05-cv-0900
Appellant,	:	
	:	(Judge Jones)
v.	:	
	:	
FEDERAL NATIONAL	:	
MORTGAGE ASSOCIATION,	:	
	:	
Appellee.	:	

**MEMORANDUM AND ORDER**

**June 2, 2005**

**THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:**

On May 18, 2005 Bankruptcy Judge John J. Thomas ordered that Appellant Claudia A. Montelione's ("Appellant" or "Montelione") bankruptcy should be dismissed based upon her voluntary withdrawal of that action. Subsequently, and as a result of the dismissal of the underlying case ,in our Order dated May 24, 2005 we dismissed Montelione's appeal as moot. (See Rec. Doc. 9). Appellant has now filed a Motion for Reconsideration (Rec. Doc. 11) of our May 24<sup>th</sup> Order of dismissal. Appellant appears to argue that because a hearing has been scheduled for June 23, 2005 before Judge Thomas, that her underlying bankruptcy case has been reopened and thus we improperly dismissed her appeal. An examination of the

docket reveals that Montelione's apparent belief regarding the status of her case is incorrect.

According to the records we have reviewed from the Bankruptcy Court, Appellee Federal National Mortgage Association ("Appellee" or "Federal National") has simply asked Judge Thomas to amend his dismissal of the bankruptcy to include a 180 day order against refiling pursuant to 11 U.S.C. § 109(g)(2). (See Federal National's Motion to Amend the Dismissal Order). Although the case remains closed, as a result of that motion, Judge Thomas scheduled a hearing for June 23, 2005 to permit Montelione to contest the imposition of the 180 day order. Judge Thomas' hearing is, in effect, part of Federal National's effort to clarify the dismissal of the underlying bankruptcy case and in no way reopens it. Therefore, as the underlying bankruptcy case remains closed, there is no basis to revisit our May 24, 2005 Order and the Motion for Reconsideration will be denied.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Appellant Claudia A. Montelione's Motion for Reconsideration (Rec. Doc. 11) is DENIED.

2. The June 3, 2005 hearing previously scheduled by the Court is hereby cancelled as not necessary, given our dismissal of this case.

s/ John E. Jones III

John E. Jones III

United States District Judge